



General Assembly

February Session, 2008

Raised Bill No. 5877

LCO No. 2919

02919_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING TERMS OF PROBATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-29 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) The court may sentence a person to a period of probation upon
4 conviction of any crime, other than a class A felony, if it is of the
5 opinion that: (1) Present or extended institutional confinement of the
6 defendant is not necessary for the protection of the public; (2) the
7 defendant is in need of guidance, training or assistance which, in [his]
8 the defendant's case, can be effectively administered through
9 probation supervision; and (3) such disposition is not inconsistent with
10 the ends of justice.

11 (b) The court may impose a sentence of conditional discharge for an
12 offense, other than a class A felony, if it is of the opinion that: (1)
13 Present or extended institutional confinement of the defendant is not
14 necessary for the protection of the public; and (2) probation
15 supervision is not appropriate.

16 (c) When the court imposes a sentence of conditional discharge, the
 17 defendant shall be released with respect to the conviction for which the
 18 sentence is imposed but shall be subject, during the period of such
 19 conditional discharge, to such conditions as the court may determine.
 20 The court shall impose the period of conditional discharge authorized
 21 by subsection (d) of this section and shall specify, in accordance with
 22 section 53a-30, the conditions to be complied with. When a person is
 23 sentenced to a period of probation the court shall impose the period
 24 authorized by subsection (d), (e) or (f) of this section and may impose
 25 any conditions authorized by section 53a-30. When a person is
 26 sentenced to a period of probation, [he] such person shall pay to the
 27 court a fee of two hundred dollars and shall be placed under the
 28 supervision of the Court Support Services Division.

29 (d) [The] Except as provided in subsection (f) of this section, the
 30 period of probation or conditional discharge, unless terminated sooner
 31 as provided in section 53a-32 or 53a-33, shall be as follows: (1) For a
 32 [felony, except as provided in subsection (e) of this section] class B
 33 felony, not more than five years; (2) for a class C or D felony or an
 34 unclassified felony, not more than three years; (3) for a class A
 35 misdemeanor, not more than [three] two years; [(3) for a class B
 36 misdemeanor, not more than two years;] (4) for a class B or C
 37 misdemeanor, not more than one year; and (5) for an unclassified
 38 misdemeanor, not more than one year if the authorized sentence of
 39 imprisonment is three months or less, or not more than two years if the
 40 authorized sentence of imprisonment is in excess of three months, or
 41 where the defendant is charged with failure to provide subsistence for
 42 dependents, a determinate or indeterminate period.

43 (e) Notwithstanding the provisions of subsection (d) of this section,
 44 the court may, in its discretion, on a case by case basis, sentence a
 45 person to a period of probation which period, unless terminated
 46 sooner as provided in section 53a-32 or 53a-33, shall be as follows: (1)
 47 For a class C or D felony or an unclassified felony, not more than five
 48 years; (2) for a class A misdemeanor, not more than three years; and (3)

49 for a class B misdemeanor, not more than two years.

50 [(e)] (f) The period of probation, unless terminated sooner as
51 provided in section 53a-32, shall be not less than ten years or more
52 than thirty-five years for conviction of a violation of subdivision (2) of
53 subsection (a) of section 53-21 of the 2008 supplement to the general
54 statutes or section 53a-70, 53a-70a, 53a-70b, 53a-71 of the 2008
55 supplement to the general statutes, 53a-72a, 53a-72b, 53a-90a of the
56 2008 supplement to the general statutes, 53a-196b, 53a-196c of the 2008
57 supplement to the general statutes, 53a-196d of the 2008 supplement to
58 the general statutes, 53a-196e of the 2008 supplement to the general
59 statutes or 53a-196f of the 2008 supplement to the general statutes.

60 (g) Whenever the court sentences a person to a period of probation
61 of more than two years for a class C or D felony or an unclassified
62 felony or more than one year for a class A or B misdemeanor, the
63 probation officer supervising such person shall submit a report to the
64 sentencing court not later than sixty days prior to the date such person
65 completes two years of such person's period of probation for such
66 felony or one year of such person's period of probation for such
67 misdemeanor setting forth such person's progress in addressing such
68 person's assessed needs and complying with the conditions of such
69 person's probation. The probation officer shall recommend, in
70 accordance with guidelines developed by the Judicial Branch, whether
71 such person's sentence of probation should be continued for the
72 duration of the original period of probation or be terminated. Not later
73 than sixty days after receipt of such report, the sentencing court shall
74 continue the sentence of probation or terminate the sentence of
75 probation. Notwithstanding the provisions of section 53a-32, the
76 parties may agree to waive the requirement of a court hearing. The
77 Court Support Services Division shall establish within its policy and
78 procedures a requirement that any victim be notified whenever a
79 person's sentence of probation may be terminated pursuant to this
80 subsection.

81 Sec. 2. Subsection (a) of section 20-341 of the 2008 supplement to the
82 general statutes is repealed and the following is substituted in lieu
83 thereof (*Effective October 1, 2008*):

84 (a) Any person who wilfully engages in or practices the work or
85 occupation for which a license is required by this chapter without
86 having first obtained an apprentice permit or a certificate and license
87 for such work, or who wilfully employs or supplies for employment a
88 person who does not have a certificate and license for such work, or
89 who wilfully and falsely pretends to qualify to engage in or practice
90 such work or occupation, or who wilfully engages in or practices any
91 of the work or occupations for which a license is required by this
92 chapter after the expiration of such person's license, shall be guilty of a
93 class B misdemeanor, provided no criminal charges shall be instituted
94 against such person pursuant to this subsection unless the work
95 activity in question is reviewed by the Commissioner of Consumer
96 Protection, or the commissioner's authorized agent, and the
97 commissioner or such agent specifically determines, in writing, that
98 such work activity requires a license and is not the subject of a bona
99 fide dispute between persons engaged in any trade or craft, whether
100 licensed or unlicensed. Notwithstanding the provisions of subsection
101 (d) or (e) of section 53a-29, as amended by this act, and subsection (d)
102 of section 54-56e of the 2008 supplement to the general statutes, if the
103 court determines that such person cannot fully repay any victims of
104 such person within the period of probation established in subsection
105 (d) or (e) of section 53a-29, as amended by this act, or subsection (d) of
106 section 54-56e of the 2008 supplement to the general statutes, the court
107 may impose probation for a period of not more than five years. The
108 penalty provided in this subsection shall be in addition to any other
109 penalties and remedies available under this chapter or chapter 416.

110 Sec. 3. Subsection (a) of section 20-417e of the general statutes is
111 repealed and the following is substituted in lieu thereof (*Effective*
112 *October 1, 2008*):

113 (a) In addition to any other remedy provided for in sections 20-417a
114 to 20-417j, inclusive, any person who violates any provision of
115 subsection (d) of section 20-417d shall be guilty of a class A
116 misdemeanor. Notwithstanding subsection (d) or (e) of section 53a-29,
117 as amended by this act, or section 54-56e of the 2008 supplement to the
118 general statutes, if the court determines that a new home construction
119 contractor cannot fully repay any victim of the violations committed
120 by such contractor within the period of probation established in
121 subsection (d) or (e) of section 53a-29, as amended by this act, or
122 section 54-56e of the 2008 supplement to the general statutes, the court
123 may impose probation for a period of not more than five years.

124 Sec. 4. Subsection (c) of section 20-427 of the general statutes is
125 repealed and the following is substituted in lieu thereof (*Effective*
126 *October 1, 2008*):

127 (c) In addition to any other remedy provided for in this chapter, (1)
128 any person who violates any provision of subsection (b) of this section,
129 except subdivision (8), shall be guilty of a class B misdemeanor and (2)
130 any person who violates the provisions of subdivision (8) of subsection
131 (b) of this section shall be guilty of a class B misdemeanor if the home
132 improvement that is offered or made has a total cash price of ten
133 thousand dollars or less and shall be guilty of a class A misdemeanor if
134 the home improvement that is offered or made has a total cash price of
135 more than ten thousand dollars. Notwithstanding subsection (d) or (e)
136 of section 53a-29, as amended by this act, or section 54-56e of the 2008
137 supplement to the general statutes, if the court determines that a
138 contractor cannot fully repay his victims within the period of
139 probation established in subsection (d) or (e) of section 53a-29, as
140 amended by this act, or section 54-56e of the 2008 supplement to the
141 general statutes, the court may impose probation for a period of not
142 more than five years. A violation of any of the provisions of this
143 chapter shall be deemed an unfair or deceptive trade practice under
144 subsection (a) of section 42-110b.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	53a-29
Sec. 2	<i>October 1, 2008</i>	20-341(a)
Sec. 3	<i>October 1, 2008</i>	20-417e(a)
Sec. 4	<i>October 1, 2008</i>	20-427(c)

Statement of Purpose:

To align the terms of probation with a behavioral change model of probation and evidence-based practices.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]